

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

ROBERT HOFFMAN, #173787

§

VS.

§

CIVIL ACTION NO. 4:11cv729

BENNY PARKEY, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Robert Hoffman, previously a prisoner confined in the Denton County Jail, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Amos L. Mazzant, who issued a Report and Recommendation concluding that the lawsuit should be dismissed for failure to obey an order and want of prosecution. Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit.

The history of the case reveals that the various Defendants filed motions to dismiss the lawsuit. Plaintiff was ordered to file a response. He failed to do so. On April 30, 2012, the Report and Recommendation was issued. On May 3, 2012, Plaintiff filed objections. He asserted that he was unaware of the motions to dismiss and could not refute them since he was unaware of their

existence. He asked for more time to file a response. In an order (docket entry #41), the Court noted that Plaintiff signed an acknowledgment for the order to file a response to the motions to dismiss. He clearly was on notice that he had been ordered to file a response. His explanation for failing to respond was found to be disingenuous. Nonetheless, his request for more time was granted, and the deadline for filing a response was extended to May 25, 2012. He was placed on notice that the Report and Recommendation would be forwarded for final consideration in the event he failed to timely file a response. The Court has received an acknowledgment from him indicating that he received the order giving him more time. As of today, however, he still has not filed a response to the motions to dismiss. The complaint should be dismissed for want of prosecution and failure to obey an order. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is **DISMISSED** without prejudice. Fed. R. Civ. P. 41(b).
All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **6** day of **June, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge